



**REGULAR MEETING**  
**Agenda for**  
**Wednesday, December 10, 2003**  
**4:00 P.M. – Council Chamber Boardroom**  
**and**  
**5:30 P.M. - Art Pick Council Chambers**  
**3900 Main Street, Riverside, CA**

**CASE REVIEW – 4:00 P.M.**

**Roll Call**

Present: Commissioners Brewer, Davidson, Gardner, Howe, Huerta, O'Meara, Pearcy, and Ward

Absent: Commissioner Garcia

**Public Comment**

Ms. Kris Cerone addressed the Commission on Case No. 03-058.

**Closed Session – Case Reviews**

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:20 p.m. to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
02-124	P3-02-321-041
03-013	PC-03-057-224
03-052	PC-03-201-148
03-058	PC-03-232-091
03-059	PC-03-232-215
03-061 & 062	PC-03-248-145
03-068	PC-03-255-309

The Commission recessed at 5:15 p.m. to reconvene in the Council Chambers at 5:34 p.m.

## **OPEN SESSION – 5:34 P.M.**

**The following proceedings have been digitally recorded.  
For copies, please call the CPRC office at (909) 826-5509.**

Chairman Gardner led in the Pledge of Allegiance. Chairman Gardner asked Ms. Sherron to confirm commissioner attendance.

### **Roll Call**

Present: Commissioners Brewer, Davidson, Gardner, Howe, Huerta, O'Meara, Percy, and Ward  
Alternate Commissioners Corral and Quinto

Absent: Commissioner Garcia

### **Approval of Minutes**

Commissioner Ward moved to approve the minutes for the November regular meeting. Commissioner Howe seconded the motion. The motion passed unanimously.

### **Executive Director's Report & Comments**

Mr. Williams asked the commissioners to decide when to review a case they were just given. After minimal discussion, the commissioners agreed to review the case on January 14 if there were three or more cases. If there were less than three, it was decided to hold it until the January regular meeting.

### **Commissioner's Comments**

Chairman Gardner said that the City Attorney has advised the Commission that its decision and rationale for the Muñoz OIS case cannot be made public. The reason for this is that, at the time the document was written, the commissioners had read the Internal Affairs investigation report. Also, past OIS decisions and rationales have not been made public. Chairman Gardner said that he is forming an ad-hoc committee made up of Vice-Chair Huerta, Commissioner Percy, and himself to work with RPD, the City Manager's office, and Legal to see if there is a way to make decisions of this nature public.

Commissioner Brewer asked about the stats requested by the Commission comparing the findings of RPD, CPRC, and the City Manager. Chairman Gardner said that he had received a call from the assistant city manager to meet to discuss that subject, but that the meeting had not yet taken place.

### **Public Comments**

#### **Mary Shelton**

Ms. Shelton said that she agrees that the Commission should release as much information as possible to let the public know what led it to its decision regarding the Muñoz OIS case. She said oversight boards in other cities have revealed more information with regard to general complaints and still been within State and privacy laws. She said the public has a right to know how the Commission came to its decision and she, personally, feels the vote should also be made public.

## **Ralph Avila**

Mr. Avila said he won't bring his complaints to the Commission because the evidence he submits won't be used to his benefit. He said that until a board is appointed and the circumstances change, he won't file complaints with the CPRC.

## **Recommendations to RPD Policy & Procedures**

### **A) RPD POLICY AND PROCEDURES 4.7 – FIREARMS**

- 1) The Community Police Review Commission recommended that Policy 4.7 be modified to include language governing shooting at a moving vehicle.
- 2) The Community Police Review Commission also recommended that training be established or modified to teach officers to consider the surrounding environment before firing their weapons.

After brief discussion, Commissioner Huerta made the motion to accept the recommendation and Commissioner Brewer seconded. The motion passed unanimously.

### **B) RPD POLICY AND PROCEDURES 4.8 – INVESTIGATIONS OF OFFICER INVOLVED SHOOTINGS AND INCIDENTS WHERE DEATH OR SERIOUS LIKELIHOOD OF DEATH RESULTS**

- 1) The Community Police Review Commission recommended that the Riverside Police Department
  - a) require the Internal Affairs unit to conform to current policy as written in RPD Policy and Procedures 4.8. C.2.f and produce true independent investigations
  - Or
  - b) re-write RPD Policy and Procedures 4.8, Subsection C.2.f, so that it conforms to the current practice of reviewing actions taken by the O.I.S.T. and others involved with the case.

After some discussion, Commissioner Percy made the motion to accept the recommendation as amended below. Commissioner Davidson seconded. The motion passed unanimously.

The Community Police Review Commission has identified that the Riverside Police Department has two options:

- A. It can require the Internal Affairs unit to conform to current policy as written in RPD Policy and Procedures 4.8. C.2.f and produce true Independent Investigations,

Or

- B. It can re-write RPD Policy and Procedures 4.8, Subsection C.2.f so that it conforms to the current practice of reviewing actions taken by the O.I.S.T. and others involved with the case.

The Community Police Review Commission recommends that Option A be followed without fail.

## **Committee Reports**

### **A) Outreach Committee – Commissioner Percy, Chair**

Commissioner Percy reported that Staff had provided him with a program draft for his review. As he had just returned from vacation, he hadn't had a chance to review the draft but would have something to Staff by the beginning of the new year.

B) Workshop Committee – Commissioner Ward, Chair

Commissioner Ward reported that Staff had dates for the workshops; February 17 and February 24. He noted that the workshops would be from 8:00 a.m. to 1:00 p.m. and would be held at the Marriott Hotel. He said that the City Manager, City Attorney, Chief of Police, RPOA members, and councilmembers would be invited to participate in the workshops.

C) HRC / CPRC Ad Hoc Committee

Chairman Gardner reported on the meeting that was held December 9. He said they discussed the desirability and feasibility of a voluntary mediation process for addressing certain types of citizen complaints against police officers. He noted that staff for both commissions is researching models. He said they are hoping to have participation by senior administration from RPD and a senior representative of RPOA in the workgroup that explores this issue.

He said that the next meeting will be held on January 20, 2004.

The second item discussed was the Citizen / Police Award. This award would be given to a citizen or citizens and officer or officers who have worked together to do something unique and important for the city. Staff is going to review current city award programs.

The third item discussed was regarding the statistical data on traffic stops that is collected by the Police Department as part of the mandate of the Stipulated Judgment. This stems from concerns that there was / is racial profiling. Questions discussed were:

- what does the data tell us
- can we do anything different in the way of analyzing the data
- could we collect something different in the field that better reaches the concern about whether there is or isn't racial profiling

Chairman Gardner said that no determination was reached after lengthy discussion. The committee will continue to follow-up on this item.

The Commission adjourned at 6:33 p.m.

Respectfully submitted,



PHOEBE SHERRON  
Sr. Office Specialist